

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FIELDTURF USA, INC.,
a Florida corporation, and
FIELDTURF TARKETT, INC.,
a Canadian Corporation,

Case No. 2:10-cv-12492-SJM-MJH

Plaintiffs/Counter-Defendants,

Hon. Stephen J. Murphy, III
Magistrate Judge Michael J. Hluchaniuk

v.

ASTROTURF, LLC,
a Michigan corporation,

Defendant/Counter-Plaintiff.

**DEFENDANT’S UNOPPOSED EX PARTE MOTION AND MEMORANDUM IN
SUPPORT OF MOTION FOR LEAVE TO FILE BRIEF IN SUPPORT OF ITS MOTION
FOR SUMMARY JUDGMENT IN EXCESS OF 20 PAGE LIMIT**

Defendant AstroTurf LLC (“AstroTurf”), by and through its undersigned counsel, hereby respectfully moves pursuant to E.D. Mich L.R. 7.1(d)(3)(A) for leave to file a Brief in Support of its Motion for Summary Judgment on the Patent Related Issues that exceeds the 20 page limit. Counsel for FieldTurf, Kevin Warner, indicated that FieldTurf does not object to the requested relief. In support of this ex parte motion, AstroTurf states as follows:

1. FieldTurf has accused in excess of 500 separate installations/bids for installations of infringement (“the accused fields”).

2. AstroTurf contends that the asserted claims of the ‘412 patent are not infringed as AstroTurf contends that the accused fields do not meet all of the limitations of at least the independent claims of the ‘412 patent.

3. AstroTurf further contends that the asserted claims of the ‘412 patent are invalid in view of the prior art.

4. The prior art includes offers for sale, publications, prior art patents, and knowledge by others, all of which were made before or were known prior to the alleged invention date of the '412 patent, i.e., fall of 1997.

5. Because AstroTurf's non-infringement and invalidity contentions involve multiple bases, these arguments require additional pages to address completely.

6. AstroTurf therefore seeks leave to file a memorandum containing no more than 25 pages, and will strive to keep the memorandum as short as reasonably possible given the circumstances.

WHEREFORE, AstroTurf respectfully requests that the Court grant its Motion and allow AstroTurf to file a brief that exceeds the 20 page limit. A proposed order is filed concurrently with the Motion and Memorandum.

Respectfully submitted,

Dated: July 30, 2012

By: /s/Thomas E. Bejin

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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2012, a copy of the foregoing document was filed electronically with the Clerk of the Court via the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/Thomas E. Bejin

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